

## AFD 649



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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

CHRISTOPHER J. MENKE

Typed or printed name

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Address

16 Oct 08

Date

53,316

Registration Number, if applicable

(937) 904-5031

Telephone Number

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal disclaimer form
- ☒ Additional sheet(s) containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

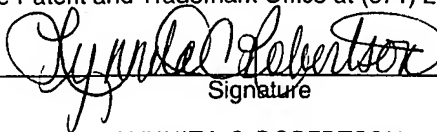
**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273-8300.

10-16-08

Date

  
Signature

LYNNITA C. ROBERTSON

Typed or printed name of person signing certificate

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

NOTE: The following showing of the cause of unintentional delay must be signed by any party who is presenting statements concerning the cause of delay.

16 Oct 08

Date



Signature

CHRISTOPHER J. MENKE

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

This Office Action dated November 29, 2007 was assigned to a patent attorney who in January 2008 was tasked to conduct an organizational restructuring investigation by senior Air Force officers. The attorney and management overlooked the due date of the Office Action. When this office received the Notice of Abandonment, the application was assigned to a new attorney who initiated contact with the inventor to prepare a response to the Office Action. As such, the delay in filing a reply was unintentional.

*(Please attach additional sheets if additional space is necessary)*